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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,225

Applicant(s)

IKEDA, TAKUMI

Examiner

CARLTON V. JOHNSON

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responding to application papers filed on **7-22-2004**.
2. Claims **1 - 36** are pending. Claims **1, 3, 6, 13, 16 - 21** have been amended.
Claims **1, 2, 3, 5, 6, 13, 16, 17, 18, 20, 21** are independent.

Response to Arguments

3. Applicant's arguments filed 5/1/2008 have been fully considered but they are not persuasive.

3.1 Applicant argues that the referenced prior art does not disclose, copyright processing information recorded on the recording medium. (see Remarks Page 12)

The Asano prior art does disclose that the reproduction control information is stored on the recording medium. Asano discloses in one embodiment of the prior art invention that the reproduction control information is stored on a recording medium. (see Asano col. 10, lines 11-26: data transmission system where transmission channel replaced by recording media; simplified reproduction control information stored in TOC (on the recording medium and the detailed reproduction control information buried in the data area along with the data contents)

Required actions: acquire copyright processing information from the recording medium; determine whether to record copyright protected content based on copyright processing information read. The copyright information is already recorded on the input recording medium in this particular embodiment of the Asano prior art. The copyright

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protection information is read from the recording medium (data transmission channel not used in this embodiment). The content is also read from the recording medium (the data transmission channel not used in this embodiment). The copyright reproduction information is utilized to determine whether or not to record the content on the data receiving apparatus (another recording medium).

3.2 After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Asano (6,978,377) discloses applicant's invention.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention is directed towards non-statutory subject matter. Claims 17, 18, 19 indicate a computer readable medium for storing a program. The computer readable is defined in the specification as a broadcast or carrier wave type transmission medium.

Specification Page 14, Lines 1-4:

"The operations discussed above (especially, operations described in the flowchart of Fig. 3) may be realized by a computer readable program. The program may be delivered in a recorded state on the recording medium such as a CD-ROM, may be delivered by network delivery, or may be delivered in a broadcast."

The delivery of the program in a broadcast is directed towards non-statutory subject matter. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 - 7, 9, 11, 13 - 20, 26, 28, 32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Asano et al.** (US Patent No. 6,978,377).

With Regards to Claims 1, 16, 20, Asano discloses a recording apparatus, a transmitting method, a transmitter for correspondingly transmitting a content and copyright processing information for recording a content on a recording medium (see Asano col. 4, lines 51-55: data receiving (recording) apparatus for recording data contents; image, music data on magnetic disk or other recording media), wherein the recording apparatus acquires copyright processing information from the recording medium related to copyright processing recorded on the recording medium and determines whether or not to record the content on the recording medium based on the copyright processing information. (see Asano col. 7, lines 13-17: acquires and stores reproduction control (copyright) information, data contents transmitted from data transmitting apparatus to data receiving apparatus; col. 7, lines 6-9: reproduction control

(copyright) information stored within header for transmission; col. 7, lines 47-53: process reproduction control (copyright) information; col. 7, lines 54-59; col. 8, lines 41-46: determine whether to reproduce (record) or prohibit reproduction of media content; col. 10, lines 11-26: data transmission system where transmission channel is replaced by recording media; simplified reproduction control information stored in TOC (on the recording medium) and detailed reproduction control information buried in the data area along with the data contents; recording media is the source of the copyright protected content and the reproduction control information; reproduction control information is read and processed to determine whether to record or not to record copyright content on output medium)

With Regards to Claim 2, Asano discloses a recording apparatus for recording a content on a recording medium, the recording apparatus comprising:

- a) a judgment unit for determining whether or not copyright processing information exists on the recording medium; (see Asano; col. 7, lines 47-49: data receiving (judgment unit) interprets reproduction control (copyright) information; col. 7, lines 24-26: copyright field for indicating presence or absence of copyright; col. 4, lines 51-55: information is in transmission or on recording medium) and
- b) a content recording unit for recording the content on the recording medium only when existence of the copyright processing information is determined by the judgment unit. (see Asano col. 7, lines 24-26: determine existence of reproduction control (copyright) information; col. 7, lines 47-53: recording based

on interpretation of reproduction control (copyright) information; col. 8, lines 50-56: record only when acceptable reproduction control information exists)

With Regards to Claim 3, Asano discloses a recording apparatus for recording a content on a recording medium, the recording apparatus comprising:

- a) an apparatus-side information holding unit for holding copyright processing information; (see Asano col. 7, lines 13-17: store (hold) copyright processing information extracted and transferred to receiving apparatus)
- b) a medium-side information acquiring unit for acquiring copyright processing information from the recording medium recorded on the recording medium; (see Asano col. 7, lines 13-17: receiving apparatus receives copyright processing information; col. 10, lines 11-26: data transmission system where transmission channel is replaced by recording media; simplified reproduction control information stored in TOC (on the recording medium) and detailed reproduction control information buried in the data area along with the data contents)
- c) a record judgment unit for determining whether or not to record the content on the recording medium based on the copyright processing information held by the apparatus-side information holding unit and the copyright processing information acquired by the medium-side information acquiring unit; (see Asano col. 7, lines 15-17: reproduction control information transferred to receiving apparatus; col. 7, lines 47-59: data receiving apparatus uses transferred reproduction control information to determine whether or not to record; col. 10, lines 11-26: recording

media is the source of the copyright protected content and the reproduction control information; reproduction control information is read and processed to determine whether to record or not to record copyright content on output medium) and

- d) a content recording unit for recording the content on the recording medium only when recording is determined by the record judgment unit. (see Asano col. 7, lines 65- 67: judges that data can be reproduced; col. 8, lines 1-4: recording media content)

With Regards to Claim 4, Asano discloses a recording apparatus according to claim 3, wherein the record judgment unit determines that the content is recorded only when the copyright processing information held by the apparatus-side information holding unit matches with the copyright processing information acquired by the medium-side information acquiring unit. (see Asano col. 7, lines 13-17: reproduction control information transmitted between data transmitting apparatus and data receiving apparatus)

With Regards to Claim 5, Asano discloses a recording apparatus for recording a content on a recording medium, the recording apparatus comprising:

- a) a judgment unit for determining whether or not copyright processing information exists on the recording medium; (see Asano col. 7, lines 24-26: determine presence or absence of reproduction control information (copyright))

- b) a recording method determining unit for determining a content recording method based on a determination result by the judgment unit; (see Asano col. 7, lines 64-66: data receiving apparatus judges that music (media) can be copied) and
- c) a content recording unit for recording the content on the recording medium based on the determination by the recording method determining unit; (see Asano col. 5, lines 31-34; col. 8, lines 1-4: recording the content; col. 8, lines 17-25: reproducing or not reproducing is based on interpretation of reproduction control information)

With Regards to Claim 6, Asano discloses a recording apparatus for recording a content on a recording medium, the recording apparatus comprising:

- a) an apparatus-side information holding unit for holding copyright processing information; (see Asano col. 7, lines 13-17: data transmitting apparatus stores during transmission reproduction control information)
- b) a medium-side information acquiring unit for acquiring copyright processing information from the recording medium recorded on the recording medium; (see Asano col. 7, lines 13-17: data receiving apparatus receives reproduction control information; col. 10, lines 11-26: data transmission system where transmission channel is replaced by recording media; simplified reproduction control information stored in TOC (on the recording medium) and detailed reproduction control information buried in the data area along with the data contents)
- c) a recording method determining unit for determining a content recording method

based on the copyright processing information held by the apparatus-side information holding unit and the copyright processing information acquired by the medium-side information acquiring unit; (see Asano col. 7, lines 47-53: data receiving apparatus interprets reproduction control information) and

d) a content recording unit for recording the content on the recording medium based on the determination by the recording method determining unit. (see Asano col. 5, lines 31-34; col. 8, lines 1-4: recording the content; col. 8, lines 17-25: reproducing or not reproducing is based on interpretation of reproduction control information)

With Regards to Claims 7, 26, Asano discloses a recording apparatus according to claims 5, 6, wherein the recording method determined by the recording method determining unit comprises a method of recording all data of the content and a method of recording only partial data of the content. (see Asano col. 8, lines 17-25: data reproduced on a packet by packet basis, all or partial reproduction of data)

With Regards to Claims 9, 28, Asano discloses a recording apparatus according to claims 2, 4, further comprising:

a) an input information reception unit for receiving an input of input information required for the copyright processing when nonexistence of the copyright processing information is determined by the judgment unit; (see Asano col. 7, lines 24-26: determine existence of reproduction control information) and

- b) an input information transmitting unit for transmitting the input information received by the input information reception unit, (see Asano col. 7, lines 13-17: data transmitting apparatus transmits reproduction control information)
- c) wherein the content recording unit records the content on the recording medium based on at least one of the input information and result information. (see Asano col. 5, lines 31-34; col. 8, lines 1-4: recording the content; col. 8, lines 17-25: based on determination of reproduction control information)

With Regards to Claim 10, Asano discloses a recording apparatus according to claim 3, further comprising:

- a) an input information reception unit for receiving an input of input information required for the copyright processing when non-recording is determined by the record judgment unit; (see Asano col. 8, lines 41-46: do not reproduce) and
- b) an input information transmitting unit for transmitting the input information received by the input information reception unit, (see Asano col. 7, lines 13-17: data transmitting apparatus transmits reproduction control information to data receiving apparatus for copyright determination)
- c) wherein further determination by the record judgment unit is performed based on at least one of the input information and result information. (see Asano col. 8, lines 17-25; col. 8, lines 41-46: determination to reproduce is based on reproduction control information)

With Regards to Claim 11, Asano discloses a recording apparatus according to claim 5, further comprising:

- a) an input information reception unit for receiving an input of input information required for the copyright processing when nonexistence of the copyright processing information is determined by the record judgment unit; (see Asano col. 7, lines 24-26: determine existence of reproduction control information) and
- b) an input information transmitting unit for transmitting the input information received by the input information reception unit, (see Asano col. 7, lines 13-17: transmit reproduction control information from data transmitting apparatus to data receiving apparatus)
- c) wherein the recording method determining unit determines a recording method based on at least one of the input information transmitted by the input information transmitting unit and result information. (see Asano col. 7, lines 47-53: recording based on input information (reproduction control information))

With Regards to Claim 13, Asano discloses a recording medium on which copyright processing information is previously recorded before content is recorded. (see Asano col. 4, lines 51-55: recorded on magnetic tape, optical disk; col. 10, lines 11-26: data transmission system where transmission channel is replaced by recording media (magnetic tape, optical disk); simplified reproduction control information stored in TOC (on the recording medium) and detailed reproduction control information buried in the data area along with the data contents)

With Regards to Claim 14, Asano discloses a recording medium according to claim 13, wherein the recording medium is attachable to or detachable from a recording apparatus. (see Asano col. 4, lines 51-55: optical disk unit)

With Regards to Claims 15, 32, Asano discloses a recording medium according to claims 13, 14, wherein the recording medium is an optical disk, and stores the copyright processing information in a region separated from a region for storing a content. (see Asano col. 4, lines 51-55: recording medium, optical disk; col. 10, lines 14-19: reproduction control information stored in TOC)

With Regards to Claim 17, Asano discloses a computer readable medium for storing a program (see Asano col. 4, lines 39-43; col. 5, lines 43-48: program, software) for recording a content on a recording medium, the program comprising the steps of:

- a) acquiring copyright processing information from the recording medium related to copyright processing recorded on the recording medium; (see Asano col. 7, lines 6-9; col. 7, lines 13-17: receiving reproduction control information; col. 10, lines 11-26: data transmission system where transmission channel is replaced by recording media; simplified reproduction control information stored in TOC (on the recording medium) and detailed reproduction control information buried in the data area along with the data contents)
- b) determining whether or not to record the content on the recording medium based

on the copyright processing information; and recording the content on the recording medium based on the determination in the step of determining. (see Asano col. 7, lines 47-53: determining whether to reproduce or not reproduce by interpretation of reproduction control information; col. 10, lines 11-26: recording media is the source of the copyright protected content and the reproduction control information; reproduction control information is read and processed to determine whether to record or not to record copyright content on output medium)

With Regards to Claim 18, Asano discloses a computer readable medium for storing a program (see Asano col. 4, lines 39-43; col. 5, lines 43-48: program, software) for recording a content on a recording medium, the program comprising the steps of:

- a) acquiring medium-side copyright processing information from the recording medium recorded on the recording medium; (see Asano col. 7, lines 6-9; col. 7, lines 13-17: receiving reproduction control information (header); col. 4, lines 51-55: content and reproduction control information (in header) recorded on medium such as optical disk; col. 10, lines 11-26: data transmission system where transmission channel is replaced by recording media; simplified reproduction control information stored in TOC (on the recording medium) and detailed reproduction control information buried in the data area along with the data contents) and
- b) recording the content on the recording medium based on previously held

copyright processing information and the copyright processing information acquired in the step of acquiring medium-side information. (see Asano col. 5, lines 31-34; col. 8, lines 1-4: recording the content; col. 8, lines 17-25: reproducing or not reproducing based on interpretation of reproduction control information)

With Regards to Claim 19, Asano discloses a computer readable medium for storing a program (see Asano col. 4, lines 39-43; col. 5, lines 43-48: program, software) according to claim 17, further comprising the steps of:

- a) receiving an input of input information required for the copyright processing when nonexistence of the copyright processing information is determined in the step of determining; (see Asano col. 7, lines 13-17: receiving reproduction control information; col. 8, lines 50-56: reproduction control information non-existence, content processed accordingly) and
- b) transmitting the input information received by the input information reception unit. (see Asano col. 7, lines 13-17: transmit reproduction control information)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be

negated by the manner in which the invention was made.

7. Claims **8, 12, 21 - 25, 27, 29, 30, 31, 33 - 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asano** in view of **Ishibashi et al.** (US Patent No. **6,834,346**).

With Regards to Claims 8, 27, Asano discloses a recording apparatus according to claims 5, 6, wherein the recording method determined by the recording method determining unit comprises a method of recording the content as it is. (see Asano col. 5, lines 31-34; col. 8, lines 1-4: recording content) Asano does not specifically disclose a method of encrypting. However, Ishibashi discloses a method of encrypting. (see Ishibashi col. 2, lines 22-26; col. 2, lines 14-18; col. 20, lines 19-23: data encryption)

It would have been obvious to one of ordinary skill in the art to modify Asano as taught by Ishibashi to enable a method of encryption. One of ordinary skill in the art would have been motivated to employ the teachings of Ishibashi in order for encrypted data that is transmitted and received between a data transmission device and a receiving device to prevent leakage of the data to a third party. (see Ishibashi col. 1, lines 14-17: “ ... *In the electronic distribution using satellite broadcast or the Internet, encrypted data is transmitted and received between a data transmission device and a receiving device in order to prevent leakage of the data to a third party. The contents to be electronically distributed include music, images, and works such as programs and texts. ...* ”)

With Regards to Claims 12, 29, 30, 31, Asano discloses a recording apparatus according to claims 7, 8, 26, 27, further comprising:

- b) an input information transmitting unit for transmitting the input information received by the input information reception unit, (see Asano col. 7, lines 13-17: reproduction control information transmitted data transmitting apparatus to data receiving apparatus)
- c) wherein further determination by the recording method determining unit is performed based on the input information. (see Asano col. 7, lines 47-53: determination based on interpretation of reproduction control information)

Asano discloses an input information reception unit for receiving an input of input information required for the copyright processing when the recording method determining unit determines recording all data of the content as it is; (see Asano col. 8, lines 17-25: data reproduced on a packet by packet basis, all or a partial reproduction of data completed, no modification of data contents) Asano does not specifically disclose a certain method other than the method of recording.

However, Ishibashi discloses:

- a) a certain method other than the method of recording; (see Ishibashi col. 2, lines 22-26; col. 2, lines 14-18; col. 20, lines 19-23: data encryption)

It would have been obvious to one of ordinary skill in the art to modify Asano as taught by Ishibashi to enable the capability for a certain method (such as encryption) other than the method of recording. One of ordinary skill in the art would have been motivated to employ the teachings of Ishibashi in order for encrypted data that is

transmitted and received between a data transmission device and a receiving device to prevent leakage of the data to a third party. (see Ishibashi col. 1, lines 14-17)

With Regards to Claim 21, Asano discloses processor for receiving input information from a recording apparatus for recording a content on a recording medium

- a) wherein the recording apparatus acquires copyright processing information from the recording medium related to copyright processing recorded on the recording medium and determines whether or not to record on the recording medium the content based on the copyright processing information. (see Asano col. 7, lines 13-17: receive reproduction control information; col. 7, lines 47-53: determine whether or not to record based on reproduction control information; col. 10, lines 11-26: data transmission system where transmission channel is replaced by recording media; simplified reproduction control information stored in TOC (on the recording medium) and detailed reproduction control information buried in the data area along with the data contents; recording media is the source of the copyright protected content and the reproduction control information; reproduction control information is read and processed to determine whether to record or not to record copyright content on output medium)
- the recording apparatus comprising:
- b) a judgment unit for determining whether or not copyright processing information exists on the recording medium; (see Asano col. 7, lines 47-49: data receiving (judgment unit) interprets reproduction control information; col. 7, lines 24-26:

copyright field for indicating presence or absence of reproduction control information on recording medium) and

- c) a content recording unit for recording the content on the recording medium only when existence of the copyright processing information is determined by the judgment unit, an input information reception unit for receiving an input of input information required for the copyright processing when nonexistence of the copyright processing information is determined by the judgment unit; (see Asano col. 7, lines 24-26: determine existence of reproduction control (copyright) information; col. 7, lines 47-53: recording based on interpretation of reproduction control (copyright) information) and
- d) an input information transmitting unit for transmitting the input information received by the input information reception unit, (see Asano col. 7, lines 13-17: data transmitting apparatus for reproduction control information and content)
- e) wherein the content recording unit records the content on the recording medium based on at least one of the input information and result information, (see Asano col. 5, lines 31-34; col. 8, lines 1-4: recording the content; col. 8, lines 17-25: based on determination of reproduction control information)
- f) an input information receiving unit for receiving the input information; (see Asano col. 7, lines 13-17: data receiving apparatus for receiving reproduction control information and content)

Asano discloses processing information based on the input information received by the input information receiving unit. (see Asano col. 7, lines 47-53: reproduction

control information processed) Asano does not specifically disclose an accounting unit.

However, Ishibashi discloses the accounting processor comprising:

- g) an accounting unit for performing accounting processing. (see Ishibashi col. 2, lines 33-36: accounting process; col. 23, lines 41-48: accounting fee)

It would have been obvious to one of ordinary skill in the art to modify Asano as taught by Ishibashi to enable the capability for an accounting processor. One of ordinary skill in the art would have been motivated to employ the teachings of Ishibashi in order for encrypted data that is transmitted and received between a data transmission device and a receiving device to prevent leakage of the data to a third party. (see Ishibashi col. 1, lines 14-17)

With Regards to Claim 22, Asano discloses a processor (see Asano col. 4, lines 39-43; col. 5, lines 43-48: program, software) according to claim 21, further comprising:

- a) a processing result generating unit for generating result information indicating processing result of the input information received by the input information receiving unit; (see Asano col. 7, lines 13-17: reproduction control information received by data receiving apparatus; col. 7, lines 47-53: content reproduced based on received reproduction control information) and
- b) a processing result transmitting unit for transmitting the processing result generated by the processing result generating unit. (see Asano col. 7, lines 47-53: content processed based on reproduction control information)

Asano does not specifically disclose an accounting processor. However, Ishibashi discloses an accounting processor. (see Ishibashi col. 2, lines 33-36: accounting process)

With Regards to Claims 23, 33, Asano discloses an accounting processor according to claims 21, 22, wherein

- a) the input information includes copyright processing level information, (see Asano col. 7, lines 13-17: reproduction control information included in transmitted content; col. 10, lines 14-19: detailed reproduction control information processed) and

Asano discloses copyright processing level information. (see Asano col. 10, lines 14-19: detailed reproduction control information processed) Asano does not specifically disclose an accounting unit and an accounting fee

However, Ishibashi discloses:

- b) the accounting unit has an accounting fee determining means for determining an accounting fee. (see Ishibashi col. 2, lines 33-36: accounting process; col. 23, lines 41-48: accounting unit, accounting fee)

It would have been obvious to one of ordinary skill in the art to modify Asano as taught by Ishibashi to enable the capability for an accounting unit and an accounting fee. One of ordinary skill in the art would have been motivated to employ the teachings of Ishibashi in order for encrypted data that is transmitted and received

between a data transmission device and a receiving device to prevent leakage of the data to a third party. (see Ishibashi col. 1, lines 14-17)

With Regards to Claim 24, 34, 35, 36, Asano discloses an accounting processor according to claims 21, 22, 23, 33, wherein

- a) the input information includes copyright processing society identifiers, (see Asano col. 7, lines 13-17: reproduction control information included in transmitted content; col. 10, lines 14-19: detailed reproduction control information processed)

Asano discloses copyright processing society identifiers. (see Asano col. 10, lines 14-19: detailed reproduction control information processed) Asano does not specifically disclose the accounting unit.

However, Ishibashi discloses:

- b) the accounting unit has an accounting fee summarizing means for summarizing an accounting fee for each copyright processing society identifier. (see Ishibashi col. 2, lines 33-36: accounting process; col. 23, lines 41-48: accounting unit, accounting fee)

It would have been obvious to one of ordinary skill in the art to modify Asano as taught by Ishibashi to enable the capability for an accounting unit and an accounting fee. One of ordinary skill in the art would have been motivated to employ the teachings of Ishibashi in order for encrypted data that is transmitted and received between a data transmission device and a receiving device to prevent leakage of the data to a third party. (see Ishibashi col. 1, lines 14-17)

With Regards to Claim 25, Asano discloses a processor (see Asano col. 4, lines 39-43; col. 5, lines 43-48: program, software) according to claim 22, wherein the result information includes copyright processing information. (see Asano col. 7, lines 47-53: reproduction control information processed) Asano does not specifically disclose an accounting processor. However, Ishibashi discloses an accounting processor. (see Ishibashi col. 2, lines 33-36: accounting process)

It would have been obvious to one of ordinary skill in the art to modify Asano as taught by Ishibashi to enable the capability for an accounting processor. One of ordinary skill in the art would have been motivated to employ the teachings of Ishibashi in order for encrypted data that is transmitted and received between a data transmission device and a receiving device to prevent leakage of the data to a third party. (see Ishibashi col. 1, lines 14-17)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlton V. Johnson whose telephone number is 571-270-1032. The examiner can normally be reached on Monday thru Friday , 8:00 - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Carlton V. Johnson
Examiner

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CVJ

July 21, 2008

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136